

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**



ATTORNEY'S DOCKET NUMBER: PA2616US

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **Respiratory Function Measuring System and Application Thereof** the specification of which was filed **September 2, 2003** and allocated application number **10/653,780**; the specification was subsequently amended on **November 4, 2003**.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) or (f) or §365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Applications:

<u>JP2001-058708</u>	<u>Japan</u>	<u>03/02/2001</u>	<u>Yes</u>
<i>Number</i>	<i>Country</i>	<i>Filing Date</i>	<i>Priority Claimed</i>

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

None

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

PCT/IP02/01951

(Application Number)

03/04/2002

(Filing Date)

Abandoned

(Status)

POWER OF ATTORNEY: I hereby appoint the attorney(s) and/or agent(s) associated with the customer number 22830 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

SEND ALL CORRESPONDENCE TO:

CARR & FERRELL LLP

2200 Geng Road

Palo Alto, CA 94303

TEL: (650) 812-3400

FAX: (650) 812-3444

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Norio Kihara

Citizenship: Japan

Inventor's signature: 木原 金夫 Dated: 02/05/2004
(Permanent ink only) (Date of Signature)

Mailing Address: 4-38-9, Utsukushigaoka, Aoba-ku, Yokohama-shi, Kanagawa 225-0002, Japan

Residence Address: _____
(if the inventor lives at a location different than his/her mailing address)

Full name of second inventor: Tetsuo Miyagawa Citizenship: Japan

Inventor's signature: _____ Dated: _____
(Permanent ink only) (Date of Signature)

Mailing Address: Hills Azamino A103, 1-2-14, Shin-ishikawa, Aoba-ku, Yokohama-shi,
Kanagawa 225-0003, Japan

Residence Address: _____
(if the inventor lives at a location different than his/her mailing address)

Full name of third inventor: Atsushi Nagai Citizenship: Japan

Inventor's signature: _____ Dated: _____
(Permanent ink only) (Date of Signature)

Mailing Address: 8-1, Kawada-cho, Shinjuku-ku, Tokyo 162-0054, Japan

Residence Address: _____
(if the inventor lives at a location different than his/her mailing address)

Full name of fourth inventor: Seishiro Miyagi Citizenship: Japan

Inventor's signature: _____ Dated: _____
(Permanent ink only) (Date of Signature)

Mailing Address: 1-5-23, Akebono, Ishikawa-shi, Okinawa 904-1107, Japan

Residence Address: _____
(if the inventor lives at a location different than his/her mailing address)

Full name of fifth inventor: Satoshi Kitamura Citizenship: Japan

Inventor's signature: _____ Dated: _____
(Permanent ink only) (Date of Signature)

Mailing Address: 3311-1, Yakushiji, Minamikawachi-machi, Kawachi-gun, Tochigi, 329-0431,
Japan

Residence Address: _____
(if the inventor lives at a location different that his/her mailing address)

37 CFR §1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability. A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.



ATTORNEY'S DOCKET NUMBER: PA2616US

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **Respiratory Function Measuring System and Application Thereof** the specification of which was filed **September 2, 2003** and allocated application number **10/653,780**; the specification was subsequently amended on **November 4, 2003**.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) or (f) or §365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Applications:

<u>JP2001-058708</u>	<u>Japan</u>	<u>03/02/2001</u>	<u>Yes</u>
Number	Country	Filing Date	Priority Claimed

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

None

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

PCT/JP02/01951

(Application Number)

03/04/2002

(Filing Date)

Abandoned

(Status)

POWER OF ATTORNEY: I hereby appoint the attorney(s) and/or agent(s) associated with the customer number 22830 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

SEND ALL CORRESPONDENCE TO:

CARR & FERRELL LLP

2200 Geng Road

Palo Alto, CA 94303

TEL: (650) 812-3400

FAX: (650) 812-3444

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Norio Kihara

Citizenship: Japan

Inventor's signature: _____

(Permanent ink only)

Dated: _____

(Date of Signature)

Mailing Address: 4-38-9, Utsukushigaoka, Aoba-ku, Yokohama-shi, Kanagawa 225-0002, Japan

Residence Address: _____

(If the inventor lives at a location different than his/her mailing address)

Full name of second inventor: Tetsuo MiyagawaCitizenship: JapanInventor's signature: 宮川 哲夫
(Permanent ink only)Dated: 26/02/2004
(Date of Signature)Mailing Address: Hills Azamino A103, 1-2-14, Shin-ishikawa, Aoba-ku, Yokohama-shi,
Kanagawa 225-0003, Japan

Residence Address: _____

(if the inventor lives at a location different that his/her mailing address)

Full name of third inventor: Atsushi NagaiCitizenship: Japan

Inventor's signature: _____

(Permanent ink only)

Dated: _____

(Date of Signature)

Mailing Address: 8-1, Kawada-cho, Shinjuku-ku, Tokyo 162-0054, Japan

Residence Address: _____

(if the inventor lives at a location different that his/her mailing address)

Full name of fourth inventor: Seishirou MiyagiCitizenship: Japan

Inventor's signature: _____

(Permanent ink only)

Dated: _____

(Date of Signature)

Mailing Address: 1-5-23, Akebono, Ishikawa-shi, Okinawa 904-1107, Japan

Residence Address: _____

(if the inventor lives at a location different that his/her mailing address)

Full name of fifth inventor: Satoshi Kitamura Citizenship: Japan

Inventor's signature: _____ Dated: _____
(Permanent ink only) (Date of Signature)

Mailing Address: 3311-1, Yakushiji, Minamikawachi-machi, Kawachi-gun, Tochigi, 329-0431,
Japan

Residence Address: _____
(if the inventor lives at a location different than his/her mailing address)

37 CFR §1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application; and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability. A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.



ATTORNEY'S DOCKET NUMBER: PA2616US

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **Respiratory Function Measuring System and Application Thereof** the specification of which was filed **September 2, 2003** and allocated application number **10/653,780**; the specification was subsequently amended on **November 4, 2003**.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) or (f) or §365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Applications:

<u>JP2001-058708</u>	<u>Japan</u>	<u>03/02/2001</u>	<u>Yes</u>
<i>Number</i>	<i>Country</i>	<i>Filing Date</i>	<i>Priority Claimed</i>

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

None

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

PCT/JP02/01951

(Application Number)

03/04/2002

(Filing Date)

Abandoned

(Status)

POWER OF ATTORNEY: I hereby appoint the attorney(s) and/or agent(s) associated with the customer number 22830 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

SEND ALL CORRESPONDENCE TO:

CARR & FERRELL LLP

2200 Geng Road

Palo Alto, CA 94303

TEL: (650) 812-3400

FAX: (650) 812-3444

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Norio Kihara

Citizenship: Japan

Inventor's signature: _____

(Permanent ink only)

Dated: _____

(Date of Signature)

Mailing Address: 4-38-9, Utsukushigaoka, Aoba-ku, Yokohama-shi, Kanagawa 225-0002, Japan

Residence Address: _____

(if the inventor lives at a location different than his/her mailing address)

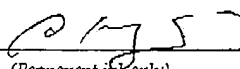
Full name of second inventor: Tetsuo Miyagawa Citizenship: Japan

Inventor's signature: _____ Dated: _____
(Permanent ink only) (Date of Signature)

Mailing Address: Hills Azamino A103, 1-2-14, Shin-ishikawa, Aoba-ku, Yokohama-shi,
Kanagawa 225-0003, Japan

Residence Address: _____
(if the inventor lives at a location different than his/her mailing address)

Full name of third inventor: Atsushi Nagai Citizenship: Japan

Inventor's signature:  Dated: February 23, 2004
(Permanent ink only) (Date of Signature)

Mailing Address: 8-1, Kawada-cho, Shinjuku-ku, Tokyo 162-0054, Japan

Residence Address: _____
(if the inventor lives at a location different than his/her mailing address)

Full name of fourth inventor: Seishirou Miyagi Citizenship: Japan

Inventor's signature: _____ Dated: _____
(Permanent ink only) (Date of Signature)

Mailing Address: 1-5-23, Akebono, Ishikawa-shi, Okinawa 904-1107, Japan

Residence Address: _____
(if the inventor lives at a location different than his/her mailing address)

Full name of fifth inventor: Satoshi Kitamura Citizenship: Japan

Inventor's signature: _____ Dated: _____
(Permanent ink only) (Date of Signature)

Mailing Address: 3311-1, Yakushiji, Minamikawachi-machi, Kawachi-gun, Tochigi, 329-0431,
Japan

Residence Address: _____
(if the inventor lives at a location different that his/her mailing address)

37 CFR §1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability. A *prima facie* case of unpatentability is established

when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.



ATTORNEY'S DOCKET NUMBER: PA2616US

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **Respiratory Function Measuring System and Application Thereof** the specification of which was filed **September 2, 2003** and allocated application number **10/653,780**; the specification was subsequently amended on **November 4, 2003**.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) or (f) or §365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Applications:

<u>JP2001-058708</u>	<u>Japan</u>	<u>03/02/2001</u>	<u>Yes</u>
Number	Country	Filing Date	Priority Claimed

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

None

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

PCT/JP02/01951

(Application Number)

03/04/2002

(Filing Date)

Abandoned

(Status)

POWER OF ATTORNEY: I hereby appoint the attorney(s) and/or agent(s) associated with the customer number 22830 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

SEND ALL CORRESPONDENCE TO:

CARR & FERRELL LLP
2200 Geng Road
Palo Alto, CA 94303
TEL: (650) 812-3400
FAX: (650) 812-3444

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Norio KiharaCitizenship: JapanInventor's signature: _____ Dated: _____
(Permanent ink only) (Date of Signature)Mailing Address: 4-38-9, Utsukushigaoka, Aoba-ku, Yokohama-shi, Kanagawa 225-0002, JapanResidence Address: _____
(if the inventor lives at a location different than his/her mailing address)

Full name of second inventor: Tetsuo Miyagawa Citizenship: Japan

Inventor's signature: _____ Dated: _____
(Permanent ink only) (Date of Signature)

Mailing Address: Hills Azamino A103, 1-2-14, Shin-ishikawa, Aoba-ku, Yokohama-shi,
Kanagawa 225-0003, Japan

Residence Address: _____
(If the inventor lives at a location different than his/her mailing address)

Full name of third inventor: Atsushi Nagai Citizenship: Japan

Inventor's signature: _____ Dated: _____
(Permanent ink only) (Date of Signature)

Mailing Address: 8-1, Kawada-cho, Shinjuku-ku, Tokyo 162-0054, Japan

Residence Address: _____
(If the inventor lives at a location different than his/her mailing address)

Full name of fourth inventor: Seishiro Miyagi Citizenship: Japan

Inventor's signature: Seishiro Miyagi Dated: March 18, '04
(Permanent ink only) (Date of Signature)

Mailing Address: 1-5-23, Akebono, Ishikawa-shi, Okinawa 904-1107, Japan

Residence Address: _____
(If the inventor lives at a location different than his/her mailing address)

Full name of fifth inventor: Satoshi Kitamura Citizenship: Japan

Inventor's signature: _____ Dated: _____
(Permanent ink only) (Date of Signature)

Mailing Address: 3311-1, Yakushiji, Minamikawachi-machi, Kawachi-gun, Tochigi, 329-0431,
Japan

Residence Address: _____
(if the inventor lives at a location different that his/her mailing address)

37 CFR §1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) Prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability. A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.



ATTORNEY'S DOCKET NUMBER: PA2616US

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **Respiratory Function Measuring System and Application Thereof** the specification of which was filed **September 2, 2003** and allocated application number **10/653,780**; the specification was subsequently amended on **November 4, 2003**.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) or (f) or §365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Applications:JP2001-058708*Number*Japan*Country*03/02/2001*Filing Date*Yes*Priority Claimed*

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

None

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

PCT/JP02/01951
(Application Number)

03/04/2002
(Filing Date)

Abandoned
(Status)

POWER OF ATTORNEY: I hereby appoint the attorney(s) and/or agent(s) associated with the customer number 22830 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

SEND ALL CORRESPONDENCE TO:

CARR & FERRELL LLP
2200 Geng Road
Palo Alto, CA 94303
TEL: (650) 812-3400
FAX: (650) 812-3444

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Norio Kihara

Citizenship: Japan

Inventor's signature: _____
(Permanent ink only)

Dated: _____
(Date of Signature)

Mailing Address: 4-38-9, Utsukushigaoka, Aoba-ku, Yokohama-shi, Kanagawa 225-0002, Japan

Residence Address: _____
(if the inventor lives at a location different than his/her mailing address)

Full name of second inventor: Tetsuo Miyagawa Citizenship: Japan

Inventor's signature: _____ Dated: _____
(Permanent ink only) (Date of Signature)

Mailing Address: Hills Azamino A103, 1-2-14, Shin-ishikawa, Aoba-ku, Yokohama-shi,
Kanagawa 225-0003, Japan

Residence Address: _____
(if the inventor lives at a location different than his/her mailing address)

Full name of third inventor: Atsushi Nagai Citizenship: Japan

Inventor's signature: _____ Dated: _____
(Permanent ink only) (Date of Signature)

Mailing Address: 8-1, Kawada-cho, Shinjuku-ku, Tokyo 162-0054, Japan

Residence Address: _____
(if the inventor lives at a location different than his/her mailing address)

Full name of fourth inventor: Seishirou Miyagi Citizenship: Japan

Inventor's signature: _____ Dated: _____
(Permanent ink only) (Date of Signature)

Mailing Address: 1-5-23, Akebono, Ishikawa-shi, Okinawa 904-1107, Japan

Residence Address: _____
(if the inventor lives at a location different than his/her mailing address)

Full name of fifth inventor: Satoshi Kitamura Citizenship: Japan

Inventor's signature: Satoshi K. Kitamura Dated: February 29, 2004
(Permanent ink only) (Date of Signature)

Mailing Address: 3311-1, Yakushiji, Minamikawachi-machi, Kawachi-gun, Tochigi, 329-0431,
Japan

Residence Address: _____
(if the inventor lives at a location different than his/her mailing address)

37 CFR §1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability. A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.